

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC, 20554

In the Matter of)
Creation of a Low) MB Docket No. 99-25
Power Radio)
Service)

My name is Lupito Flores, and I strongly support any actions the Federal Communications Commission can take to expand and support the Low Power FM radio service.

KYRS-LP was built almost entirely by scores of volunteers from the community. Since October 2003, KYRS has steadily grown to be a strong and vital community resource. With our service area reaching between 50,000 and 90,000 people, we believe we are one of the largest Low Power FM stations in the country. We have dozens of volunteers from the community hosting very diverse programs which serve the area's minority populations and also highlight local people, local music, and local community issues. For instance, we offer programming for the Spanish and Russian-speaking communities.

Like many other Low Power FM community stations, KYRS-LP faces extinction because we are secondary service soon to be overpowered by an out-of-state, full-power commercial station moving in to capture the local ad market.

After years of planning, grassroots fundraising, thousands of volunteer-hours, it is a heartbreaking shame that all this can be wiped out by commercial interests that have no stake in our community other than tapping our already strapped financial resources to export them, not just out of our community, but out-of-state.

Please make LPFM a primary service, giving these local stations the ability to truly serve their communities with unique and local programming, fulfilling the core intent of this vital radio service. I also request that after you grant LPFMs primary status, that you

make it retroactive, and allow those of us who were knocked off the air by the big commercial stations to return to their local frequencies.

I'd also like you to make it easier for governing boards to change in accordance to their federal by-laws. As it is now, the FCC forbids us to fulfill our federal by-laws by saying we can't add new board members if we have vacancies that would constitute more than 50 percent of our board.

I also ask the commission to alter the definition of a minor change to include transmitter relocation of up to 5.6 km instead of 2 km for LP100 licenses.

Further, I request that LPFM stations offering local programming are given spectrum priority over translators that are fed programming remotely, rather than directly from local transmitters.

Please don't allow LPFMs to die with the digital conversion (IBOC) of radio.

Create a second application window for LPFMs that want to submit contour overlap engineering studies. Currently, translators/repeaters are allowed to use an accurate "contour overlap" method, which allows engineers to take into account terrain features that block signals and prevent interference in the real world. Although low power FM stations are technically identical to repeaters/translators (even using the same models of transmitters and antennas), they are only permitted to submit the "minimum-distance" method of study for proper spacing. This not only overprotects other stations from LPFMs, but also has the strange and unintended effect of allowing non-local translators in thousands of places where low power, truly local stations are prohibited. If this were corrected, low power community stations could serve every city in the country, and truly fulfill the goals of localism. Low Power FMs should be allowed to use the same rules as translators and submit contour overlap studies when applying for licensure.

In future application windows, there should be two windows- one for LPFM stations that are able to use the cheap and simple minimum

distance method, and a second window where LPFMs can submit engineering studies using the more accurate contour studies and translator rules.

A publicly posted schedule is sorely needed for Low Power Applications. Currently, a major amendment may only be filed during a filing window; the Commission will not accept them at any other time. The FCC doesn't provide schedules on when it will open filing windows, so the current system rewards FCC-savvy organizations with experienced engineers and lawyers who can dash off hundreds of applications at a moment's notice. This punishes grassroots organizations which are unable to adequately prepare for application windows. This is contrary to the stated purpose of localism and allowing new voices into the field. Annual schedules are needed for amendment filing windows so that LPFMs can have the same opportunity as their full power counterparts to file.

Please add staff to the audio division so that all these recommendations can be done.

The audio division at the FCC is severely understaffed. Please give the Audio Division enough people and resources to do their jobs well.

Low power stations were created for local entities. They were not created for cross country networkers who want to build a national system of mini-transmitters. The FCC must uncover national entities trying to exploit the system by using low power stations as a front for their national networks, and deal with them accordingly. To accomplish this, the Enforcement Bureau should establish clear definitions for locally originated programming and perform spot-checks of stations to make sure these licensees are truly operating locally and producing local programming. Operations found to be illegal should be shut down, and the license reserved for another group that is truly committed to the goals of local radio. There should be flexibility and common sense in enforcement (a group that promised 8 hours a day but is currently only up to 6.5 should not be punished), but groups that are just using the system should be stopped.

